

## **REMARKS**

Applicants respectfully request reconsideration of the present application. No new matter has been added to the present application. Claims 30-47 have been rejected in the Office Action. Claims 30, 33, 34, 36, 39, 40, 42, 45, and 46 have been amended, no claims have been canceled, and no new claims have been added in the Amendment. Accordingly, claims 30-47 are pending herein. Claims 30-47 are believed to be in condition for allowance and such favorable action is respectfully requested.

### **Rejections based on 35 U.S.C. § 103**

#### A. Rejection based on Rothschild and Eldar

Claims 30-32, 36-38, and 42-44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rothschild, et al. (“Rothschild” hereafter, U.S. Publication No. 2002/0016718) in view of Eldar, et al., (Eldar” hereafter, U.S. Patent No. 7,290,011). Applicants respectfully traverse the rejection of the claims as hereinafter set forth.

Each of independent claims 30, 36, and 42 has been amended herein to recite, in part, “wherein all studies within each working set are ready for delivery review by the at least one clinician.” This amendment clarifies that all studies in a working set are ready to be delivered to a review station to be reviewed by a clinician and therefore all studies could be transferred for review by the clinician without further approval. This includes both the recited subset of studies that are originally transferred and the remaining studies that are not transferred until clinician review of the original subset is detected at a review station.

Page 19 of the Office Action states regarding Rothschild: “a set of patient records (working set) includes some files marked ready for delivery (to be reviewed) and some not.

Therefore, a collection that is ready for review is within the working set.” The amendment to the independent claims clarify a difference between those claims and Rothschild. In particular, the amended claims recite that all studies in the working set are ready for delivery, not just some as in Rothschild.

The independent claims also recite “delaying transfer of remaining studies in the first working set until clinician review of the subset of studies from the first working set at the review station is detected.” For instance, the Specification discusses priming a review station with a subset of studies from a working set so that some studies are ready for review immediately when a clinician logs in, but other studies are not initially sent and instead the transfer of those studies is delayed until the clinician begins reviewing the subset at which time the remaining studies are sent in the background. *See, e.g., Specification, ¶¶ [0022]-[0024], [0039], [0042].* Page 19 of the Office Action states that “this element is found within Rothschild as files not marked for delivery are not sent.” However, Rothschild does not delay transfer of some studies until clinician review is detected at a review station. Instead, Rothschild discusses not transferring files for which the route is not valid. *See, e.g., Rothschild, ¶ [0260].*

Eldar, even if combined with Rothschild, does not cure the deficiencies of Rothschild. Eldar discusses queuing all images for transmission. *See, e.g., Eldar, Abstract; col. 2, lines 53-57.* Therefore, the system intends to send all images and is not delaying transfer of any. While images are being transferred, a user may request a particular image in the queue that has not been transferred and that image is then transferred immediately based on the request. *See, e.g., id., Abstract; col. 2, line 52 – col. 3, line 11.* This is essentially just reordering the images being transferred based on a user request during transmission of images. There is no delaying of transfer of images until clinician review is detected as recited in the claims.

Additionally, Eldar discusses sending regions of interest (ROIs) when a user accesses an image during the transfer process (*see, e.g., id.*, col. 13, lines 3-19) instead of an entire image as in the invention recited by the independent claims.

Accordingly, Applicants respectfully submit that independent claims 30, 36, and 42 are patentable over the art of record. Dependent claims 31, 32, 37, 38, 43, and 44 are also allowable for at least the reasons provided above.

B. Rejection based on Rothschild, Eldar, and Cooke

Claims 33, 34, 39, 40, 45, and 46 were rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Rothschild and Eldar and further in view of Cooke, Jr., et al., (“Cooke” hereafter, U.S. Patent No. 6,574,629). Applicants traverse the obviousness rejection of claims 33, 34, 39, 40, 45, and 46 because Rothschild, Eldar, and Cooke, either alone or in combination, fail to teach or suggest all the claim limitations for claims 33, 34, 39, 40, 45, and 46. Dependent claims 33, 34, 39, 40, 45, and 46 depend from independent claim 30, 36, and 42, which include limitations not taught or suggested by Rothschild and Eldar as described hereinabove. The addition of Cooke does not cure these deficiencies as Cooke similarly fails to teach or suggest these limitations. Accordingly, Applicants respectfully request the withdrawal of the 103(a) rejection of claims 33, 34, 39, 40, 45, and 46.

Additionally, Applicants submit that the dependent claims recite further features not taught or suggested by the cited references. For instance, claims 34, 40, and 46 recite features directed to determining that review of a study at the review station has been completed and removing the study from not only that review station but also at least one other review station. The Office Action cites column 21, lines 46-55 of Cooke for these features. The cited portion of Cooke discusses a delete button that may be used to delete studies from a station’s

cache. While the delete button for a first station may be used to delete a study from the first station's cache after review of the study, the cited portion is silent regarding also deleting the study from another station's cache based on the review and deletion from the first station.

C. Rejection based on Rothschild, Eldar, and Fuller

Claims 35, 41, and 47 were rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Rothschild and Eldar and further in view of Fuller U.S. Publication No. 2005/0050552. Applicants traverse the obviousness rejection of claims 35, 41, and 47 because Rothschild, Eldar, and Fuller, either alone or in combination, fail to teach or suggest all the claim limitations for claims 35, 41, and 47. Dependent claims 35, 41, and 47 depend from independent claim 30, 36, and 42, which include limitations not taught or suggested by Rothschild and Eldar as described hereinabove. The addition of Fuller does not cure these deficiencies as Fuller similarly fails to teach or suggest these limitations. Accordingly, Applicants respectfully request the withdrawal of the 103(a) rejection of claims 35, 41, and 47.

**CONCLUSION**

For at least the reasons stated above, claims 30-47 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or [jgolian@shb.com](mailto:jgolian@shb.com) (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112 with reference to Attorney Docket Number CRNI.110413.

Respectfully submitted,

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